

National Gay and Lesbian Task Force



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Testimony Regarding Raised Bill #5901, An Act Concerning Discrimination House Government Operations Committee March 2011

My name is Lisa Mottet and I serve as the Transgender Civil Rights Project Director for the National Gay and Lesbian Task Force, located in Washington, DC. I have worked for almost ten years on nondiscrimination protections for transgender people on the local, state and national level. On behalf of the National Gay and Lesbian Task Force, I am pleased to provide this statement of support for Raised Bill 5901, An Act Concerning Discrimination.

As the Director of the Transgender Civil Rights Project, I study, track, and draft local, state and federal legislation that prohibit discrimination based on gender identity and expression. In fact, I have assisted upwards of 80 localities and 9 states with successfully passing legislation similar to the bill before us today.

To date, thirteen states have statewide prohibitions on gender identity discrimination, including Connecticut's neighbors, Maine, Vermont, and Rhode Island. Minnesota was the first state to enact these provisions in 1993. Colorado, Iowa and Vermont enacted their laws in 2007. Additional states include California, Hawaii, Illinois, Maine, New Jersey, New Mexico, Oregon, Rhode Island, and Washington. Along with these 13 state laws, over 100 local jurisdictions have enacted nondiscrimination ordinances that protect people on the basis of gender identity; the first passed in Minneapolis in 1975. They have passed all over the country, including in places that some might consider unlikely, such as two counties and one city in Kentucky and nine local jurisdictions in Utah. Collectively, if you add up all the people that live in these jurisdictions, 41% of the population is covered by one of these laws.

House Bill 5901 would add Connecticut to this growing list by adding "gender identity and expression" as a protected characteristic to provisions in state law including provisions prohibiting discrimination in employment, public accommodations, housing, credit, and education, as well as other areas.

On an empirical level, citizens of Connecticut need stronger protection from discrimination. Last month, the National Center for Transgender Equality and my organization, the National Gay and Lesbian Task Force, released a groundbreaking report, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. The report found that in Connecticut, among transgender and gender non-conforming participants, 83% reported experiencing harassment or mistreatment on the job, 24% were denied a promotion, and 27% lost a job due to their gender identity or expression. A shocking percentage—43% of participants—reported being discriminated against in the hiring process. The cumulative effect of workplace and school discrimination translates into real costs for Connecticut citizens who experience unemployment and poverty at much higher levels than average. The report found that 11% experienced unemployment compared to 7% in the nation at the time of the survey. Similarly, 15% reported having a household income less than \$10,000 compared to

4% of the population nationally. This Committee and legislature has an opportunity to prevent such high levels of discrimination, which unfairly and severely hurt the people of Connecticut.

Further, we know from other jurisdictions that anti-discrimination laws have been successfully implemented. In the 35 years since the first law like House Bill 5901 was enacted, government agencies charged with enforcement, such as human relations commissions, have been able to handle the small number of complaints that come in under these laws. Notably, only about one handful of lawsuits have been filed under all of these laws combined. Speaking with attorneys and enforcement agencies, instances of discrimination are resolved primarily informally when businesses and institutions are made aware of the law, having the positive effect of preventing discrimination. More rarely, discrimination claims are handled at the human relations commission level, such as the Commission on Human Rights and Opportunities here in Connecticut.

As you likely know, the state Commission on Human Rights and Opportunities, which is charged with interpretation and enforcement of the existing discrimination law, issued an opinion in 2000 that provisions against "sex" discrimination protect transgender people. It is important to make this ruling an explicit and formal part of Connecticut law so that employers and other entities covered by the law are fully aware of the fact that the law is meant to cover anti-transgender discrimination. Without making the language of the statute absolutely clear, smaller employers or those that do not regularly read CHRO decisions will be unaware of the breadth of the law's coverage.

The definition of "gender identity or expression" in House Bill 5901 is identical to that added to Connecticut's hate crimes law, which was successfully amended in 2004. See Public Act No. 04-135. In using the same definition from the hate crimes law, the bill drafters made a prudent drafting decision. It is exceedingly important to keep the definition of this term uniform throughout Connecticut law to ensure that there aren't discrepancies in who is covered under different provisions. Having the same definition also contributes to judicial efficiency.

In conclusion, the Task Force urges you to adopt this measure in order to successfully combat discrimination against all people in the state of Connecticut.

Thank you very much. If you have any questions, please feel free to contact me at (202) 639-6308 or lmottet@thetaskforce.org.